

Wisconsin Commercial Building Code Application to Residential Occupancies

Residential occupancies are those that generally provide sleeping accommodations. Under International Building Code (IBC) section 310, residential occupancies are divided according to three main criteria: 1) The type and number of dwellings contained in a single building; 2) Whether the occupants are transient or non-transient in nature; and 3) If dealing with a daycare or assisted living facility, the number of occupants.

Scoping of Commercial and Uniform Dwelling Codes

One- and two-family dwellings, both transient and non-transient, are exempted by state statute from the Wisconsin Commercial Building Code (WCBC), which contains the amended IBC effective July 1, 2002. One- and two-family dwellings built after June 1, 1980 are covered under the Wisconsin Uniform Dwelling Code (UDC), Comm 20-25. Older one- and two-family dwellings are covered by applicable local ordinances.

Buildings that share construction are considered a single building for determining the number of units. Dwelling units or duplexes may be considered separate buildings (detached) if they are separated with two exterior walls fire-rated per the UDC requirements or local code requirements. This applies whether there is a property line between the buildings or not.

A single living unit (UDC) in conjunction with a single commercial occupancy is exempt from the WCBC for its internal features. However, the overall commercial building shell design needs to take into account the impact of the UDC residential portion.

If the combined number of commercial and residential tenants in a building equals three or more, then all of the internal features of any residential units would be covered under the WCBC.

Be aware that Comm 61.02(4) contains an exemption from the WCBC for qualifying smaller home-based business occupancies.

IBC Residential Occupancies

The WCBC has four residential occupancies, groups R-1, R-2, R-3 and R-4. The main difference between group R-1 and group R-2 occupancies is the length of residency. Less than 30-day residency is considered transient and is classified R-1. Over 30-day residency limit is considered R-2 occupancy, if there are at least three living units. Note that monasteries, dormitories, fraternities, etc. are now classified non-transient R-2 occupancies, which are the same as apartment houses.

Group R-3 is applicable where there is only one or two living units in the building, plus one or more commercial tenants, totaling three or more building tenants. (Group R-3 could also apply optionally to two rowhouse units that are separated from connected buildings with a party firewall or from adjacent buildings with two exterior fire-rated walls. This applies whether there is a property line between the buildings or not.)

Group R-4 is applicable where there are residential care/assisted living facilities between five and twenty-four persons living in the building on a 24-hour basis. These provide a supervised environment and personal care services to those building tenants.

In general, residential (R) occupancies do not provide significant care to clients and therefore are not an IBC institutional (I) occupancy, some of which include sleeping accommodations. The main criteria that separate these residential occupancies from the institutional occupancies are the lack of restraint or physical or mental limitation. Residents of group R occupancies are capable of complete self-preservation without the need for staff supervision. However, the IBC has classified certain smaller daycare or assisted living facilities with such residents as groups R-3 or R-4 occupancies (see below). Also note that certain smaller daycare or assisted living facilities are also exempted from the WCBC, but must meet the UDC.

IBC statements about occupancies of Group R, R-2 or R-3 "...as applicable in (IBC) section 101.2..." mean that you just apply that IBC requirement, because Wisconsin does not adopt section IBC 101.2 [or the International Residential Code that is referred to in that section].

Summary of IBC "R" Occupancies As Applicable in Wisconsin

Residential Group R	Typical Examples	Previous Wisconsin Code Location
R-1 for transient residential (< 30 days stay)	Hotels, Motels, and Boarding houses (transient)	Comm 57
R-2 for \geq three non-transient (\geq 30 days stay) dwelling units	Apartments, Townhouses, Rowhouses, Convents, Dormitories, Monasteries, Fraternities and Sororities, RCACs ¹	Comm 66; chapter Comm 57
R-3 daycare facilities for \leq five clients for < 24 hrs ²	Low-enrollment Child Daycare or Adult Daycare	chaComm 54 for adult daycare
R-3 for one or two living units in a building also with commercial tenant(s)	If the total number of commercial and residential tenants is \geq three, those one or two residences are group R-3	UDC ³ for single living unit in a commercial building, chapter 57 for two living units in a commercial building
R-3 for every one or two living units separated with a party firewall or two exterior walls rated per IBC Table 602	Rowhouses (Optional)	Comm 66
R-4 for > eight and \leq 16 clients in assisted living ⁴	Assisted Living Facilities and Group Homes for clients requiring supervision (DHFS ⁵ Class A CBRF ⁶)	Comm 57; Comm 61
R-4 for a CBRF serving \leq 20 clients if created in an existing building (Comm 62.3400) ⁷	Converted hotel	Comm 61

¹RCAC means Residential Care Assisted Care apartment complexes.

²Daycares serving up to 8 eight children in one- or two-family dwellings are exempted.

³WI UDC applies to one- and two-dwellings built after 1980.

⁴Licensed CBRFs serving up to 8 residents are exempted.

⁵DHFS means WI Department of Health & Family Services.

⁶CBRF means Community Based Residential Facility.

⁷For R-4 occupancies, apply the R-3 code requirements, except apply the R-4 height and area limits of section IBC 503.